

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 3, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Paul Da Veiga, Ron Santos, Ramona Kohlmann (recording secretary), Cathy Salcedo

MINUTES: March 29, 2006 and April 5, 2006
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

Item 2 was moved to the front of the agenda. Please note that the Minutes will reflect actions taken in their original order.

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 06-04/CONDITIONAL USE PERMIT NO. 06-06/VARIANCE NO. 06-01 (TEAZIS RESIDENCE – CONTINUED FROM THE APRIL 26, 2006, MEETING WITH THE PUBLIC HEARING CLOSED)

APPLICANT: Jon Christner, 34071 La Plaza, Suite 240, Huntington Beach, CA 92629

PROPERTY OWNER: Theo Teazis, 5801 Grimsby Drive, Huntington Beach, CA 92649
REQUEST: **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)

PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and stated that the item was continued from the April 26, 2006, meeting in order to allow the applicant time to redesign the project to meet code requirements for a habitable area on the third floor to be located within the confines of the roof volume.

Staff presented several overlays provided by the applicant as optional revisions to the existing elevation showing a dormer. Staff stated that because of the location of the proposed dormer and lack of a five-foot setback from the second story façade, the code criteria for a dormer could not be met.

The applicant presented 18 letters from neighboring property owners in support of the proposed project.

Mary Beth Broeren, Zoning Administrator, stated that although the public hearing was closed at the prior meeting, she was going to re-open the public hearing.

THE PUBLIC HEARING WAS RE-OPENED.

Mike Adams, P.O. Box 382, Huntington Beach, representing the applicant, spoke on behalf of the proposed project emphasizing the unique shape of the lot. Mr. Adams' major concern was that a re-design of the building without the proposed dormer would render the building out of character with neighboring properties.

Jon Christner, 34071 La Plaza, Suite 240, applicant, presented a color elevation and photographs of similar styles in other communities. Mr. Christner urged the Zoning Administrator's approval.

Roger Hodges, 16682 Edgewater Lane, spoke on behalf of the proposed project, presented photographs of three-story homes in close proximity to the subject location and stated that three-story homes are not out of the ordinary in the neighborhood.

Theo Teazis, 5801 Grimsby Drive, property owner, urged the Zoning Administrator's approval of the third-story.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren reviewed the project plans and inquired into reasons why the third-story exercise room with spa could not be setback five feet. The applicant clarified that Option B includes a five-foot setback. Discussions ensued. The applicant advised that the foregoing would be unappealing due to aesthetic reasons and not structural.

Ms. Broeren and staff discussed a dormer set back five feet as defined by code. Staff read the code and confirmed that a five-foot setback would be consistent with a dormer.

Further discussion ensued concerning omission of the side window. Staff stated that the window would not meet the intent of the code. At the request of the applicant, staff stated that a translucent window would be acceptable if the window were fixed.

Staff presented alternate suggested findings for approval to allowing a third floor habitable area and dormer. Staff also presented alternate suggested conditions of approval modifying the project plans received and dated February 13, 2006 to reflect the third-story five-foot setback.

Ms. Broeren stated that she was prepared to approve the request with a dormer and a five-foot setback of the third story for code compliance. She stated that in the alternative she would

have to deny the request. She advised that the applicant could choose to appeal either decision.

The applicant agreed to an approval today and acknowledged the variance permitting construction of the third floor up to 498 square feet in size.

COASTAL DEVELOPMENT PERMIT NO. 06-04/CONDITIONAL USE PERMIT NO. 06-06/VARIANCE NO. 06-01 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15302 of the CEQA Guidelines, because the project consists of reconstruction of one single-family residence in a residential zone, where the new structure will have substantially the same purpose and capacity as the structure replaced.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 06-04:

1. Coastal Development Permit No. 06-04 to permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as proposed, complies with all applicable development regulations including maximum building height and lot coverage and minimum yard setbacks and on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-06:

1. Conditional Use Permit No. 06-06 for the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The third story is designed as a dormer to minimize building mass and bulk. In addition, the third story windows are oriented away from the adjacent residences to preserve their privacy.
2. The conditional use permit to construct a third floor habitable area will be compatible with surrounding uses because the proposed three story home is designed with the mass and scale of a two-story home with a dormer. Furthermore, the third story addition is similar in design, materials, and massing as other dwellings existing in the surrounding neighborhood, where stairs are permitted as third story projections above the second story roof volume. Several other single-family homes with similar designs have been constructed within the neighborhood.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance except for any variances approved concurrently. The project complies with the maximum building height, maximum lot coverage, and setback requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:
 - LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;
 - LU 9.2.1c: Maintenance of privacy on abutting residences.The proposed residence will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story will be setback from adjacent properties, thus minimizing the building massing and scale. No third-story windows or deck areas are oriented toward adjoining properties.

FINDINGS FOR APPROVAL - VARIANCE NO. 06-01:

1. The granting of Variance No. 06-01 to permit the construction of up to a 498 sq. ft. third floor outside the confines of the second story roof volume will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed third floor consists of an exercise room and spa, and has substantial setbacks from adjacent properties to minimize building mass and bulk. The third story element is designed as a dormer and is setback five feet from the building exterior. Several properties in the surrounding neighborhood are developed with larger third floor areas without such a setback.
2. Because of special circumstances applicable to the subject property, including size and shape, the strict application of the zoning ordinance is found to deprive the subject property

of privileges enjoyed by other properties in the vicinity and under identical zone classification. The unique manner in which the property was subdivided results in a cul-de-sac frontage of 45 feet, which affects the distribution of floor area. The majority of lots in the subject area have lot widths ranging from 50 to 60 feet. Based on its location at the end of a cul-de-sac street, designing the third story within the confines of the roof volume without a dormer element is not practical and results in greater impacts with regard to size and scale to adjacent properties.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The variance will allow the owner to develop the property in a consistent manner with the neighborhood. It will also allow development on the site with a unique and contemporary architectural theme.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed development is consistent with the other properties located in the surrounding neighborhoods.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-A (Residential Medium-High Density) on the subject property, including the following General Plan policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the unique attributes of the site including its size and shape. The variance will also facilitate an innovative and attractive architectural design in Huntington Harbor, which contains several custom home designs.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 06-04/
CONDITIONAL USE PERMIT NO. 06-04/VARIANCE NO. 06-01:**

1. The site plan, floor plans, and elevations received and dated February 13, 2006, shall be the conceptually approved design with the following modification:
 - a. The third story element, facing the rear of the property (north elevation) shall be setback five feet from the building exterior as depicted in Option B.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and applicable code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council,

Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: VARIANCE NO. 06-02 (OLSON REMODEL)

APPLICANT/

PROPERTY OWNER: Dan and Susan Olson, 22041 Cape May Lane, Huntington Beach, CA 92646

REQUEST: To permit a 15-ft. front yard setback for a front entry garage, in lieu of the minimum code required 20-ft. setback (for the reconfiguration of an existing side entry garage as a front entry garage).

LOCATION: 22041 Cape May Lane (south of Banning Avenue, east of Bushard Street on the east side of Cape May Lane)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification (within a 500 ft. radius).

Mary Beth Broeren, Zoning Administrator, engaged in a discussion with staff concerning the code requirement for removal and replacement of mature trees.

THE PUBLIC HEARING WAS OPENED.

Susie Olson, 22041 Cape May Lane, co-applicant, acknowledged staff's efforts for the subject project. Ms. Olson spoke on behalf of the proposed project emphasizing the turning radius constraints and dangers with the existing garage entry.

Dan Olson, 22041 Cape May Lane, co-applicant, inquired into the tree-replacement requirements.

Ms. Broeren stated that she visited the subject site on numerous occasions and observed the access and maneuverability problems. She advised that the code requires tree replacement at a two-to-one ratio.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren, staff and the applicants engaged in discussions concerning the awkwardness and restrained maneuverability of the existing garage entry while backing out. Ms. Broeren acknowledged that the shape of the corner lot at the terminus of the cul-de-sac is the major cause for the existing problems. She stated that given the existing situation the request is reasonable.

Ms. Broeren stated that she was going to approve the request and asked staff to modify the suggested findings and conditions of approval as follows:

Suggested Finding For Approval No. 1:

Delete the following language:

~~The existing structure is currently provided with a 15 ft. front yard setback. The location of the structure will not change and the front yard setback will not be reduced any further. The variance is necessary only because the code requires a greater setback for a front entry garage (versus a side entry garage) in order to allow for parking on the driveway between the garage and the street. The subject property will maintain conformance with applicable parking requirements after the proposed re-orientation of the garage door, since greater maneuverability will be provided to access two parking spaces within the garage in addition to the availability of two on-street parking spaces along the property's street frontage.~~

Add the following language:

The subject property has unique access constraints due to the condition of being a corner lot at the terminus of a street cul-de-sac.

Suggested Finding For Approval No.2:

Delete the following language:

~~The proposed reorientation of the garage door will resolve both of these difficulties.~~

Add the following language to the last sentence:

The requested variance is necessary to provide adequate clearance between the garage door and the front door of the dwelling and to provide practical vehicular access to the garage such that two vehicles can be parked inside.

Suggested Condition Of Approval No. 2:

Add new condition:

Any mature/significant tree removed from that site shall be replaced with two 36" box trees. Half of the replacement trees shall be provided in the front yard area visible from the street.

VARIANCE NO. 06-02 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15305 of the CEQA Guidelines, because the requested variance provides for minor alterations in land use limitations that does not result in any changes in land use or density.

FINDINGS FOR APPROVAL - VARIANCE NO. 06-02:

1. The granting of Variance No. 06-02 to permit a 15-ft. front yard setback for a front entry garage, in lieu of the minimum code required 20-ft. setback (for the reconfiguration of an existing side entry garage as a front entry garage) will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property has unique access constraints due to the condition of being a corner lot at the terminus of a street cul-de-sac.
2. Because of special circumstances applicable to the subject property, including the shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is configured such that inadequate clearance is provided between the garage door and the front door of the dwelling. In addition, the orientation of the garage door relative to the driveway apron makes it difficult to maneuver a vehicle in and out of the garage. The curvature in the front property line makes it difficult to shift the apron further away from the garage entrance to provide greater maneuverability to access the side entry garage.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to provide adequate clearance between the garage door and the front door of the dwelling and to provide practical vehicular access to the garage such that two vehicles can be parked inside.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The subject property provides the Code required parking by means of a two-car garage and two on-street parking spaces along the property's street frontage. Consequently, no detrimental impacts to surrounding properties are anticipated.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units/acre) on the subject property, including the following policies:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

LU 9.1.2(c): Minimize the amount and width of the paving of front yards for driveway and garage access.

The requested variance accounts for the unique location of the existing garage door relative to the front door and the impractical access to the garage due to the current orientation of the door relative to the driveway apron. Re-orientation of the garage door will also provide for a significant reduction in the amount of front yard paving on the subject property.

CONDITIONS OF APPROVAL VARIANCE NO. 06-02:

1. The site plan, floor plans, and elevations received and dated March 17, 2006, shall be the conceptually approved design.
2. Any tree removed due to the garage reorientation shall be replaced with two 36" box trees. Half of the replacement trees shall be provided in the front yard area visible from the street.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MAY 10, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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